S.B. Criminal Misc. II Bail Application No. 1754/2006
(Mange Ram alias Fauzi Vs. State of Rajasthan)

Date of Order: May 17, 2006

HON'BLE MR. H.R. PANWAR, J.

Mr. N.S. Rathore, for the petitioner.
Mr. JPS Chaudhary, Public Prosecutor for the State.

This is second bail application. The first bail application came to be dismissed vide order dated 25-10.2005 as it was not pressed by the learned counsel appearing for the petitioner.

Heard learned counsel for the petitioner and the Public Prosecutor appearing for the State. Perused the Challan papers, as also the statements of PW 1 Jarnail Singh and PW 2 Krishna Kumar, the injured.

It is contended by the learned counsel for the petitioner that the injured has not identified the present petitioner though the present petitioner was present before the trial Court on 13-4-2006 when injured Krishna Kumar made the statement. It is contended that PW 2 Krishna Kumar, the injured, identified two persons, viz. Co-accused Vijay and Prem who were present in the Court. The petitioner was also present in the Court, however, the injured stated that the accused other than co-accused Vijay and Prem present in the Court was not present at the time of the occurrence and he had not done

anything with him.

Having regard to the facts and circumstances of the case, without commenting on the merits of the case and keeping in view the statement of injured PW 2 Krishna Kumar who failed to identify the petitioner, I consider it just and proper to enlarge the accused-petitioner on bail.

Accordingly, this bail application filed under Section 439 Cr.P.C. is allowed and it is directed that petitioner Mange Ram alias Fauzi S/o Bhadar Ram be released on bail in FIR No. 178/2005, Police Station, Tibbi, district Hanumangarh, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R. PANWAR), J.

mcs